

EXHIBIT 42

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et*
al.,

Debtors.

PROMESA
Title III

Caso No. 17-BK-3283 (LTS)

(Jointly Administered)

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO ELECTRIC POWER AUTHORITY

Debtor.

PROMESA
Title III

Caso No. 17-BK-4780 (LTS)

**TRANSCRIPTION OF THE
TAKING OF DEPOSITION**

TO : Mr. Fermín Fontanés-Gómez

DATE : October 4th, 2019

TIME : 9:30 a.m.

PLACE : Condado Vanderbilt Hotel
San Juan, Puerto Rico

Belissa Benítez
Court Reporter
(787) 244-9395
belissa.benitez@gmail.com

1 DEPONENT – MR. FERMÍN FONTANÉS-GÓMEZ

2 A No.

3 Q Are you familiar with the fact that, under the RSA, PREPA is paying post-petition
4 interest to its bondholders?

5 A No.

6 Q Are you familiar with the fact that, under the RSA, PREPA's bondholders are
7 receiving the economic return on their applicable bond claims as if it a plan of
8 adjustment were effective as of May 1st, 2019?

9 ATTY. LUKE A. BAREFOOT:

10 Objection to form. You can answer if you know anything about it.

11 DEPONENT – MR. FERMÍN FONTANÉS-GÓMEZ

12 A No, I have not read the RSA.

13 **BY ATTY. ZACHARY S. ZWILLINGER**

14 Q Are you familiar with the fact that, under the RSA, PREPA's bondholders are
15 receiving certain settlement payments?

16 ATTY. LUKE A. BAREFOOT:

17 Objection to form. Answer if you know.

18 DEPONENT – MR. FERMÍN FONTANÉS-GÓMEZ

19 A Yes.

20 **BY ATTY. ZACHARY S. ZWILLINGER**

21 Q What is your understanding of those settlement payments?

22 DEPONENT – MR. FERMÍN FONTANÉS-GÓMEZ

23 A I have none.

24 Q Just to clarify. So, you don't have any understanding?

25 A Am I familiar, it's a general question. So, do I know that there's some settlement

1 payments, I do know, but I don't know the details of what that--

2 Q Do you have any idea how much those settlement payments were?

3 A No.

4 Q Are you familiar with the fact that, under the RSA, certain of PREPA's
5 bondholders are receiving waiver and support fees?

6 A No.

7 Q Are you familiar with the fact that, under the RSA, certain of PREPA's
8 bondholders are receiving reimbursement of their professional fees and expenses?

9 A No.

10 Q As to all of these forms of consideration, isn't the lower the cost of the settlement
11 better for the T&D transaction?

12 ATTY. MARGARET M. SCHIERBERL:

13 Objection.

14 ATTY. LUKE A. BAREFOOT:

15 Objection to form.

16 DEPONENT – MR. FERMÍN FONTANÉS-GÓMEZ

17 A I think I've said this before. For our purposes, it's not the substance of the RSA,
18 It's the fact that we get a confirmation order, the RSA is approved. It's part of the
19 process, It's not the substance. We didn't negotiate this. We weren't part of it.
20 We weren't involved. The substance to us is irrelevant for our transaction.

21 ATTY. ZACHARY S. ZWILLINGER:

22 We'll like to take a break at this time.

23 ATTY. LUKE A. BAREFOOT:

24 Okay.

25 [Off record]

1 BY ATTY. ZACHARY S. ZWILLINGER

2 Q Mr. Fontanés, are you familiar with the Demand Protection Term Sheet?

3 DEPONENT – MR. FERMÍN FONTANÉS-GÓMEZ

4 A No.

5 Q Are you familiar with any of the termination rights under the RSA?

6 A No.

7 Q Are you familiar with any of the government parties' obligations under the RSA?

8 A Government parties meaning?

9 Q The Oversight Board, AAFAF or PREPA.

10 A As to PREPA, I would say I'm familiar that they are supposed to collect the
11 charge. As to FOMB and AAFAF, no.

12 Q Are you familiar with the Force Majeure clause under the RSA?

13 A No.

14 Q Do you know if the PREPA's RSA is being revised or revisited in light of the
15 filing of the Commonwealth Plan of Adjustment?

16 ATTY. LUKE A. BAREFOOT:

17 Objection to form. You can answer.

18 DEPONENT – MR. FERMÍN FONTANÉS-GÓMEZ

19 A No.

20 BY ATTY. ZACHARY S. ZWILLINGER

21 Q Do you have any reason to believe that the RSA is being reconsidered?

22 ATTY. LUKE A. BAREFOOT:

23 Objection to form. You can answer.

24 DEPONENT – MR. FERMÍN FONTANÉS-GÓMEZ

25 A No.